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# The Programming of EU's External Assistance and Development Aid and the Fragile Balance of Power between EEAS and DG DEVCO

Isabelle TANNOUS<sup>\*</sup>

*The Lisbon Treaty left the question of the future organization of the European Union's external assistance and development aid largely unanswered. It was only after its entry into force on 1 December 2009 and with the adaptation of the European External Action Service (EEAS) that a major organizational revision of the EU's foreign aid was set in motion. Development – and in its extension neighbourhood – is now the crucial area of work that straddles both the EEAS and the Commission. This article outlines the dispute over the division of labour of the programming and management cycle and the tools of European external assistance and development aid. The subsequent reorganization of powers between the EEAS, the new DG DEVCO and the up-graded EU Delegations is examined and the general impact of this rearrangement on the future paths of the EU's foreign policy is tackled. The focus lies on strategic planning and programming of EU's main external action instruments for the years 2014–2020: the European Development Fund (EDF), the Development Cooperation Instrument (DCI) and the new European Neighbourhood Instrument (ENI).*

## 1 INTRODUCTION

Expectations are high for the Post-Lisbon era. With the establishment of the European External Action Service (EEAS) Europe's stance in the world is supposed to become more coherent, effective and visible, finally leaving behind the long-standing divide of foreign and security policy and the European Commissions' portfolios 'development' and 'neighbourhood'.<sup>1</sup> Anyone who has followed the evolution of European foreign policy in recent decades knows of the drop height of these political ambitions, in particular in view of the little concrete guidelines envisaged in the Treaty. After all, the Lisbon Treaty left the future organization of the European Union's (EU's) external assistance and development aid largely unanswered. It was only after its entry into force on 1 December 2009

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<sup>1</sup> See H. Merket, *The European External Action Service and the Nexus between CFSP/CSDP and Development Cooperation*, 17 *European For. Affairs Rev.* 4, 625–651 (2012).

and with the adaptation of the European External Action Service (EEAS) that the organizational setting and the five-staged programming and management cycle was supposed to be re-organized between the EEAS and the Commission. Today, development – and in its extension neighbourhood – is the crucial area of work of the EU that straddles both the EEAS and the Commission. This article sets out to scrutinize the impact and hurdles of the status quo of external assistance and development aid that is due to the deadlock for reform in European foreign policy most likely to stay on after the EEAS review process in mid-2013.

To this end, the article first sets out to provide an overview of the revised legal provisions and objectives introduced with the Lisbon Treaty against the background of the changing global development agenda (section 2). Their translation into practice with the setting-up of the EEAS and the dispute over the division of labour between the EEAS and Commission's Directorate General 'Development and Cooperation – EuropeAid' (DG DEVCO) is then displayed (section 3). Against this background, the administrative structures and institutionalized roles of the actors involved are introduced (section 4). The revised complex organizational arrangements between the Service and DEVCO for the programming of external assistance and development aid for the Multiannual Framework 2014–2020 that call for the full interlocking of the EEAS into the Commission system can thus be presented (section 5). Finally, the general impact of this revision on the future paths of the EU's external relations in times of the euro crisis is tackled (section 6).

## 2 A STRONG LEGAL BASIS FOR DEVELOPMENT IN THE PRIMARY LAW PROVISIONS OF THE LISBON TREATY

The ties of the EU to the developing world are as old as the integration process itself, and the EU of today has relations with partner countries in all regions around the world. Nonetheless, development policy does not only get little attention, especially in comparison with the vast research on Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP), it is still often only associated with the relations of the EU to 79 African, Caribbean and Pacific states (ACP). This is particularly astonishing for a substantial share of the external action instruments under the Heading 4 'Global Europe' of the general EU budget can be classified as Official Development Aid (ODA). The EU's external assistance and development aid under this heading provides particularly resources for *enlargement* (Pre-accession Instrument (IPA) – 90% ODA), *neighbourhood* (European Neighbourhood Instrument (ENPI) – 95% ODA) and *development* (Development Cooperation Instrument (DCI) DCI – nearly 100%

ODA and, outside the EU budget, EDF – European Development Fund, nearly 100% ODA).<sup>2</sup>

The EU earned, despite all the criticism, its reputation as world biggest donor not only by the mere amount of its commitments, but also with the comprehensive reform process of its development policy after the uncovering cases of fraud and corruption in the Santer-Commission at the end of the 1990s. Structures and decision-making procedures of EU's development cooperation were thoroughly modernized – the ongoing conceptual adaption found its reflection in the *European Consensus on Development*<sup>3</sup> (2005) and, more recently, in the *Agenda for Change*<sup>4</sup> (2011). Today, the EU is widely acknowledged as an international agenda-setter and well embedded into the global development agenda.<sup>5</sup> The modest success of development ambitions is once again challenged in general by the change of the wider global development agenda. During the past decade the rising influence of Brazil, Russia, India, China and South Africa (BRICS states) on the scene as well as the 'Arab Spring' have changed character and coordinates of European development policy.

While the consequences deriving from these dynamics remained to a large extent hidden behind the technocratic-style of day-to-day management for quite some time now, the institutional changes with the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) and with the establishment of the EEAS in particular are now clearly visible. The accompanying change is recognized as an opportunity but also as a challenge for the EU's development cooperation as a genuine and distinctive policy.<sup>6</sup> On the one hand, issues such as improved coherence, higher transparency and effectiveness of the measures taken as well as new options for a more proactive development cooperation have attracted a great deal of attention. On the other hand, however, observers are alarmed about a potential subordination of long-term development aims – poverty reduction in the first place – to a short-term, security-oriented foreign policy.

These basic questions already waited for answers during the Convent on the Future of the EU and during the elaboration of the Lisbon Treaty. Their

<sup>2</sup> Other instruments, albeit much smaller, such as the European Instrument for Democracy and Human Rights (EIDHR – 100 % ODA), the Instrument for Stability (IfS – 30 % ODA) and Humanitarian Aid (100 % ODA) are also ODA funded.

<sup>3</sup> *Joint declaration by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission: The European Consensus*, O.J.E.U. C 46 (24 Feb. 2006).

<sup>4</sup> European Commission, *Increasing the impact of EU Development Policy: An Agenda for Change*, COM(2011) 637 final (Brussels, 13 Oct. 2011).

<sup>5</sup> See M. Holland & M. Doidge, *Development Policy of the European Union* (Palgrave Macmillan 2012).

<sup>6</sup> See for example European Think-Tanks Group (ODI / DIE / FRIDE / ECDPM), *New Challenges, New Beginnings. Next Steps in European Development Cooperation* (Feb. 2010).

explosiveness became obvious in a literally eruptive way when the guidelines entailed in the Treaty were substantiated with regard to the organization of the EEAS, as we will see later on. At first glance, whatsoever, the revised legal framework set up with the Lisbon Treaty did not change much for external assistance and development aid: The European Neighbourhood Policy (ENP) was provided with an own article (Article 8 TEU), the EU development cooperation continues to be an independent policy on its own and at the same time becomes an integral part of EU's external action (Articles 208–211 TFEU).<sup>7</sup> The Lisbon Treaty maintains poverty reduction and, in the long term, the eradication of poverty, as development cooperation's primary objective. In addition, eradicating poverty is now even a postulated goal among others in the general provisions preceding the entire title V 'External Action' (Article 21 TEU). Moreover, the Union has to support the objectives of development cooperation when implementing policies that can affect the developing countries (Article 208 TFEU), as already set with the agenda for Policy Coherence for Development (PCD).<sup>8</sup> The Treaty states that the EU's development cooperation policy and that of the Member States shall complement and reinforce each other. The shared competence between the EU institutions and Member States continues with the upgrading that 'in the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy' (Article 4 TFEU). Consequently, the Lisbon reform transfers thus primarily the recent developments between the Treaty reforms into EU primary law.

The legally fixed coordinates therefore remain unchanged overall – nonetheless, the past Treaty reform is far more than a mere renumbering of previous Treaty provisions: First and above all, the Lisbon Treaty demands a higher degree of consistency of its EU's external action and foresees to this respect new institutions and procedures. Due to the extensive changes competences are likewise pooled and redistributed in the field of external assistance and development aid. The distribution of competences between the EEAS and the Commission and a comprehensive approach of whatever kind have stirred up fundamental questions about the future of EU development cooperation – to an extent that might give leeway to fundamental change of EU development cooperation as a whole.

<sup>7</sup> See M. Broberg, *What Is the Direction for the EU's Development Cooperation After Lisbon? A Legal Examination*, 16 *European For. Affairs Rev.* 4, 539–557 (2011).

<sup>8</sup> Commission Staff Working Paper, *EU 2011 Report on Policy Coherence for Development*, SEC(2011) 1627 final (15 Dec. 2011).

### 3 THE EEAS AND THE DISPUTE OVER EXTERNAL ASSISTANCE AND DEVELOPMENT AID

Before the EEAS could even start work, it was necessary first of all to clarify the institutional and personnel coordinates. After all, the Heads of State and Government both at the Convention and in Lisbon had failed to find a common ground in a number of politically controversial and complex organizational questions.<sup>9</sup> The Treaty provided only a rough framework, in particular with regard to Article 27 TEU dealing with the EEAS and Article 221 TFEU dealing with the EU Delegations. In what form the EEAS should work for the High Representative was not specified in detail as little as the manner of its composition and the modes of cooperation with the diplomatic services of the Member States and the European Commission. Bundling the unresolved issues, in essence a central question remains: How will the strategic planning and programming of the external assistance and development aid between the Service and the Commission be designed from now on?

In view of the amount of funds allocated for external assistance and development aid this is an important question. The general budget 2012 – not including the European Development Fund (EDF), which is separately funded by the Member States – earmarked in section 4 ‘Global Europe’ 27.6% for the Development Cooperation Instrument (DCI) alone. If we also add the resources for the European Neighbourhood and Partnership Instrument (ENPI), which account for 24.4%, these two important instruments taken together comprise over 50% of the funds provided.<sup>10</sup> If the EDF is included, which is positioned outside the EU budget, the three largest external assistance and development aid instruments EDF, DCI and ENPI together amount for 9% of the total EU budget.

The EEAS – given that the Service is working closely with the Member States and the European Commission – brought about the opportunity not only to harmonize European Commission’s and EU Member States’ programming cycles for the purpose of joint programming and to establish more coherent links among diverging policies. Above all, the diplomatic Service was seized as an opportunity to add development to the ‘tool box’ of European foreign policy under a more comprehensive approach. However, EU Member States even after Lisbon are only to a certain extent willing to allow the Commission to coordinate their development initiatives – not to speak of controlling them. It is not in their interest to comply with their commitment to provide aid under pressure from

<sup>9</sup> See S. Duke, *The European External Action Service: Antidote against Incoherence?* 17 *European For. Affairs Rev.* 1, 45–68 (2012).

<sup>10</sup> For the Instrument for Pre-Accession Assistance (IPA) 20.2 % were earmarked, 8.5 % for Humanitarian Aid and only 4.2 % for CFSP. Figures are based on European Commission, *EU Budget 2012* (Luxembourg 2012) (own calculations).

Brussels, or, as agreed in the voluntary *EU Code of Conduct on Complementarity and Division* (2007), to coordinate their priorities with each other. The establishment of the EEAS, then, allowed those EU countries that were still interested to make sovereign decisions in the area of external assistance and development aid, to relocate strategic competencies to the EEAS, and thus (again) in an institution placed nearer to the Member States.

This involved – in addition to the long-standing issue of ‘budgeting’ the EDF – the two most important foreign-aid instruments DCI and ENPI, which are managed by the Commission. Those Member States which want to take a stand via their development cooperation or want to dovetail development engagement with foreign policy, see themselves in a competition with the Commission as an actor with wide-ranging competences regarding development and neighbourhood policies.

In light of the above it was hardly surprising, therefore, that the dispute over the EEAS’ form – and thereby the future direction of the EU’s external relations – was inflamed by the issue of external assistance and development aid right at the presentation of Catherine Ashton’s first policy paper of 25 March 2010.<sup>11</sup> Catherine Ashton had made clear very early during the EEAS negotiations that she regards foreign and development aid as an integral part of the toolbox of the EU, or, more precisely, as located ‘in the heart of the European Union’s external action’.<sup>12</sup> At the start of the negotiations in March 2010, she delineated the EEAS as a unique opportunity to ensure the consistency of the external action of the Union and to gather the tools available – from the economic and political instruments up to the civil and military crisis-management capacities – under a often claimed but never defined single political strategy.

With regard to the distribution of powers between the Service and the Commission Ashton suggested different scenarios for the programming of the key external action instruments: These ranged first, from the transfer of the entire programming to the EEAS, and second, a shared-work approach under the auspices of the Commission, to third, a regional division of labour in which the Commission would be responsible for Africa and the Service would take care of Asia and Latin America. Ashton did not intend to hand over the allocation of development aid to the Commission only, accordingly, she called for the EEAS’s financial planning authority for almost all major development funds.<sup>13</sup> Her design

<sup>11</sup> Proposal from The High Representative for Foreign Affairs and Security Policy, *Draft Council Decision Establishing the Organization and Functioning of the European External Action Service* (25 Mar. 2010).

<sup>12</sup> Catherine Ashton, High Representative/Vice President, *Speech to the European Parliament’s foreign affairs committee European Parliament*, SPEECH/10/120 (23 Mar. 2010).

<sup>13</sup> See S. Blockmans & S. Duke, *The Lisbon Treaty Stipulations on Development Cooperation and the Council Decision of 25 March 2010 (Draft) establishing the organization and the functioning of the European External Action Service* (EIPA, Working Paper 2010/W/01, 2010).



tended to be closer to an EU foreign ministers' approach circulated by the Spanish EU Presidency, but also picked up other scenarios discussed before. While Member States had claimed the leadership of the EEAS during the first stages of the programming cycle (and thus the strategic and political responsibility) and then would have allotted the subsequent stages to the Commission (such as implementation and evaluation), the Commission had favoured a vertical split along geographical lines rather than such a horizontal division of powers.

As expected, Ashton's draft called up resistance by some of the EU states as well as by the Commission. While Member States criticized that the Commission would continue to take part in strategic planning, the Commission took Ashton's presentation as a direct attack on competences it had acquired during several decades. It felt that its rights had been curtailed and feared to be demoted to a mere executive agency of the EEAS. Cautious not to lose any competences to the EEAS, the Commission had at an early state vehemently advocated for a retention of its responsibilities in the areas of 'development' and 'neighbourhood' – and thus for the most important instruments for external assistance.

After the Heads of State and Government had agreed on Ashton's proposal on 26 April 2010 with only a few changes, the Commission received intensive backup from the European Parliament. The Parliament, unlike the Member States and the Commission, had not been involved in the preparatory work for Ashton's draft. Nonetheless, the Parliament had before the disclosure of the draft already favoured a tight linking of the EEAS with the Commission with the 'non-paper' by Elmar Brok and Guy Verhofstadt.<sup>14</sup> These *Proposals for the establishment of the EEAS* claimed that programming and management is to be realized under the Commissioner responsible in order to ensure coherence and avoid divergences between political goals and implementation of the financial assistance on the ground. The European Parliament, by negotiating the establishment of the EEAS in a single package, took the opportunity to expand its own sphere of influence and to support the Commission in the new construction accompanying the EEAS through the lever of the budgetary control.<sup>15</sup> The compromise, reached by the so-called quadrilogue in Madrid on 21 June 2010, was adopted on 8 July 2010 with a large majority.<sup>16</sup> After months of protracted negotiations a political agreement could finally be reached that allowed the adoption of the EEAS

<sup>14</sup> Working document by Elmar Brok (AFET), and Guy Verhofstadt (AFCO), rapporteurs on EEAS, *Proposal for the establishment of the EEAS* (6 Apr. 2010 and 20 Apr. 2010) (updated version).

<sup>15</sup> *Report on the proposal for a Council decision establishing the organization and functioning of the European External Action Service*, Rapporteur, Elmar Brok, 08029/2010 – C7-0090/2010 – 2010/0816(NLE) (6 Jul. 2010).

<sup>16</sup> See for example EPC / EGMONT / CEPS, *The Treaty of Lisbon: A Second Look at the Institutional Innovations*, Joint Study, at 148 (September 2010); L. Erkelens & S. Blockmans, *Setting up the European External Action Service. An institutional act of balance* (CLEER Working Papers 1, 17, 2012).



Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (further: 'EEAS Decision').

#### 4 THE BALANCE OF POWER OF EEAS AND DG DEVCO: FROM INSTITUTIONAL DISSONANCES TO INTER-SERVICE HARMONY?

With the 'EEAS Decision' a clarification of fundamental issues had been finally achieved.<sup>17</sup> As so often, however, in the end this decision came about only by resorting to vague formulations conceding enough room for interpretation to all participants. Especially with regard to the organization of the EU's external assistance and development aid a fine-tuning was much needed even after the EEAS Decision. This fine-tuning was about to deal in particular with the question of how the assignment of responsibilities and authority would look like in practice. To this end, the High Representative Catherine Ashton and Commissioner for Development Andris Piebalgs announced right after the overall political agreement provided with the EEAS Decision to draw up a new inter-service agreement, spelling out the details of the arrangements.<sup>18</sup> This would replace the 2001 service agreement between the DGs Relex, Development and EuropeAid and would contain detailed provisions for the conduct of the programming and management cycle between the EEAS and the Commission. However, it took another one and a half years until the modalities of cooperation between the EEAS and the new DG 'Development and Cooperation – EuropeAid' (DG DEVCO) could be finally fixed in an inter-service agreement on 13 January 2012.<sup>19</sup> In the meantime, only a general service-level agreement was in place, issued in December 2010.

The time this adjustment required clearly showed the extent of the need for clarification. Nonetheless, Ashton had excluded the issue in her first EEAS report in December 2011 with the argument that it is too early to make a judgment and simply had noted that the EEAS and the Commission should work closely

<sup>17</sup> Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU), O.J.E.U., L 201/30 (3 Aug. 2010) (further: 'EEAS Decision').

<sup>18</sup> See joint letter of Catherine Ashton, High Representative/Vice-President of the European Commission, and Andris Piebalgs, Member of the European Commission, to Eva Joly, MEP (27 Jul. 2010), replying to her letter concerning the draft Council decision establishing the EEAS, [www.europarl.europa.eu/meetdocs/2009\\_2014/documents/deve/dv/ashton-piebalgs\\_jo/ashton-piebalgs\\_joly.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/deve/dv/ashton-piebalgs_jo/ashton-piebalgs_joly.pdf).

<sup>19</sup> Signed on 13 January 2012 by the Secretary General of the Commission and the Chief Operating Officer of the EEAS, *Working Arrangements between Commission Services and the European External Action Service (EEAS) in relation to external relations issues*, SEC(2012) 48 (10 Jan. 2012) (unpublished SEC-document, further 'Working Arrangements').

together in the preparations for the next multiannual financial framework.<sup>20</sup> The central organization-related points of contention, however, were obvious, in particular with regard to the three main external assistance instruments EDF, DCI and ENPI: What would it mean in practice when, as stated in Article 9(4) EEAS Decision, any proposals shall be 'prepared jointly' by the relevant services in the EEAS and in the Commission 'under the responsibility' of the Commissioner responsible for Development Policy and shall be 'submitted jointly' with the High Representative for adoption by the Commission? What roles should the EEAS and the Commission Services take in the preparation of financial allocations, the Strategy Papers and the Indicative Programs within the framework of the major instruments for external assistance?<sup>21</sup> Under which instructions would the new EU Delegations work? How could the procedures between the new service units be created to foster inter-service consultation and cooperation and without unnecessary duplication and rivalry? And, finally, who should have the last word in cases of disagreement?

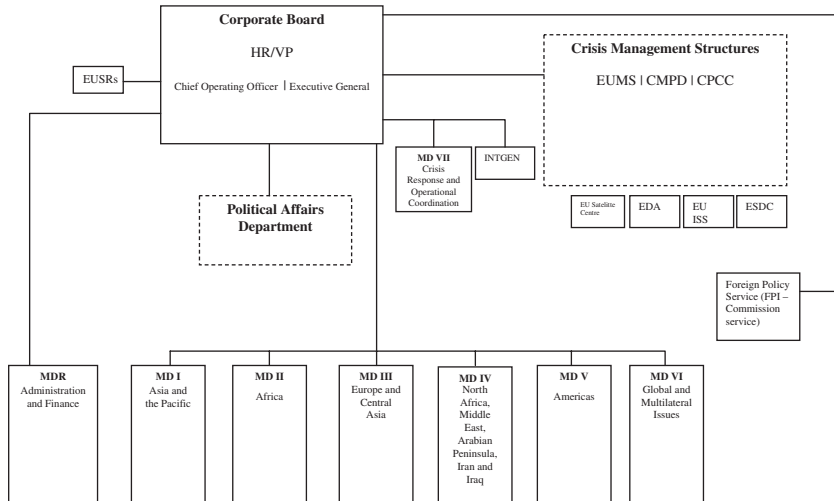
#### 4.1 DEVELOPMENT WITHIN THE EEAS

As a diplomatic service, the EEAS is a body *sui generis* and supports the High Representative (Article 27 TEU). It was deliberately conceived not as an EU institution, but as a functionally autonomous body, under the authority of the HR. The Service is, *inter alia*, also responsible for the policy dialogue and for the funding and programming of external assistance and development aid. Its mission is to ensure the coherence of the various dimensions of the external action of the EU and to ensure a uniform approach towards third parties. In the area of external assistance and development aid the EEAS is requested to take the objectives of the development policy of the Union under Article 208 TFEU into account. In addition to poverty, it would also promote the objectives of the *European Consensus on Development* and the *European Consensus on Humanitarian Aid*. These calls were enshrined due to the pressure from the European Parliament with Article 1 (4) EEAS Decision. But it has to be noted that this addition refers, despite the reference to overarching goals, explicitly only to the area of development cooperation, and therefore does not apply *per se* for all actions of the EEAS.

<sup>20</sup> Ashton referred to the request of Art. 13 (2) EEAS Decision to report on the arrangements for cooperation between the EEAS and the Commission services in the management of external financial instruments, in particular as regards the programming of assistance. European External Action Service, *Report by the High Representative to the European Parliament, the Council and the Commission*, Sec. 14 (22 Dec. 2011).

<sup>21</sup> The provisions and procedures of the external action instruments EDF, DCI (geographic) and ENPI are similar, see Art. 9 (4) for development respectively Art. 9 (5) for neighbourhood of the EEAS Decision. Below the organization for DCI and EEF will be considered primarily.

Figure 1 Organizational Structure of the European External Action Service



Source: <http://ec.europa.eu/europeaid/> (March 2013)

The EEAS, since spring 2012 located at Rondpoint Schuman, is supposed to be proportionally composed of former staff of the European Commission, the Council Secretariat and the Member States diplomatic services. The equal share of these three components shall be achieved by mid-2013, but a bias towards staff of the Commission still persists. The EEAS has over 3200 staff, of whom around 1500 officers do their work at the EEAS headquarters in Brussels, plus more than 1800 employees are based in the EU Delegations. Organizational diagrams and procedure charts do not replace a view behind the scenes, what can be derived from them, however, are the reorganizations surrounding the EEAS.<sup>22</sup> In particular, the transfer of existing units of work, which enabled a quick launching of the EEAS in the first place, becomes visible. In addition to units from the General Secretariat of the Council (including the Policy Unit and the Directorate General E), the entire General Directorate for External Relations and almost one hundred units, especially country- and region-specific ones, were transferred from the former Directorate General for Development to the newly established EEAS.<sup>23</sup>

<sup>22</sup> Organization chart (April 2013), [eeas.europa.eu/background/docs/organisation\\_en.pdf](http://eeas.europa.eu/background/docs/organisation_en.pdf).

<sup>23</sup> For details see the list of all the administrative entities transferred en bloc to the EEAS in the Annex of the EEAS Decision. Permanent officials transferred to the new service include from DG Relex 585

The EEAS is divided into five regional units of work (Asia and the Pacific, Africa, Europe and Central Asia, North Africa and Middle East, the Americas, and Africa), a thematic unit of work on Global and Multilateral Issues and one unit dealing with Administration and Finance. Moreover, the EEAS comprises those crisis management structures, which were transferred from the Commission, and in particular from the Council Secretariat. The former split into ACP countries and 'other countries' was thus disbanded. Within the EEAS a horizontal unit is responsible for the coordination of development cooperation, which is located within the work unit Global and Multilateral Issues. In addition to the coordination of development cooperation this unit is, *inter alia*, responsible for human rights and democracy, election monitoring and combating terrorism. The small unit serves as a focal point for development issues.<sup>24</sup>

It supports the High Representative both in the preparation of development issues in the Foreign Affairs Council (FAC) and in her function as Vice-President of the Commission, when dealing with development issues. The unit is supposed to develop the guidelines for the programming of EDF and DCI and to ensure policy coherence for development within the EEAS. To this end, the horizontal unit is working with the relevant thematic and geographical directorates and coordinates the inputs of the EEAS for the Commission's drafts presented by DG DEVCO. It is responsible to bring together the task force 'development' of the EEAS, which is composed of officials from different geographic and thematic directorates and meets once a month. Given this broad range of tasks the scarce human resources allocated to the unit have been repeatedly criticized by organizations close to development cooperation and have been interpreted as a sign that development issues have no due weight within the EEAS. In particular the 'D' in PCD is not being adequately acknowledged by the EEAS, who supposedly interprets 'development' in this line of critic as an effort to ensure consistency of EU policies with its foreign affairs agenda and not to fight poverty in the first place.

#### 4.2 THE NEW DIRECTORATE GENERAL DEVCO

The reorganizations taking place in the post-Lisbon phase surrounding the establishment of the EEAS were clearly visible also in the European Commission. It had started early with the Barroso II Commission, which began its work

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posts, from DG Dev 93 posts, from Commission delegations 436 posts and 411 Council posts. See, *A new step in the setting-up of the EEAS: Transfer of staff on 1 January 2011*, Press releases Rapid, IP/10/1769 (21 Dec. 2010).

<sup>24</sup> Here and section below J. Setters & H. Klavert, *EU development cooperation after the Lisbon Treaty. People, institutions and global trends*, ecdpm, Discussion Paper 123 (Dec. 2011).

in February 2010. Commission President José Manuel Barroso had assigned the European Neighbourhood Policy, previously allocated within the competence of the Commissioner responsible for external relations Benita Ferrero-Waldner to the new Commissioner for Enlargement and Neighbourhood Policy Commissioner Štefan Füle. This decision has been criticized as unnecessary on the one hand, at the same time, however, it was understood as an effort to keep significant areas of external action within the streamlined Commission. Part of this proactive strategy of securing the status of the Commission was the reassignment of a number of areas of competence of the EU Commissioners, which was associated with a substantive overlap of the portfolios and was denounced by critics as ‘asset stripping’.

This step may also have been justified by the fact that Barroso has the final say as arbitrator in the College of Commissioners (Article 248 TFEU), irrespective of the fact that Ashton with her ‘double-hat’ as Vice-President also is part of the Commission, and who, even if no formal hierarchy exists among the Commissioners, as High Representative has the task to coordinate the external action of the EU (Article 18/21 TEU). Barroso is also the one who sets the agenda for the ‘Group of External Relations Commissioners’, a group he himself had established. He may leave the chair to the HR/VP, what was not the case in the meetings that were called only once or twice a year.<sup>25</sup> In order to promote a more coherent appearance in external relations, Barroso had also urged ‘his’ Commissioners responsible for development, humanitarian aid, and enlargement and neighbourhood, to work closely with the EEAS.<sup>26</sup>

As shown, in addition to the transfer of the DG Relex to the EEAS, especially country- and region-related positions were divested from the Directorate General for Development (DG Dev) to the EEAS.<sup>27</sup> Personnel from the former DG Dev remaining in the EU Commission now constitutes, together with the EuropeAid Cooperation Office (AIDCO), the new DG ‘Development and Cooperation – EuropeAid’ (DEVCO).<sup>28</sup> Led by Andris Piebalgs it resumed its work at the end of 2010, while a new service for Foreign Policy Instruments (FPI) was set up in January 2011. The new structure of DG DEVCO consists of three political and thematic directorates (EU Development Policy, Human and Society Development

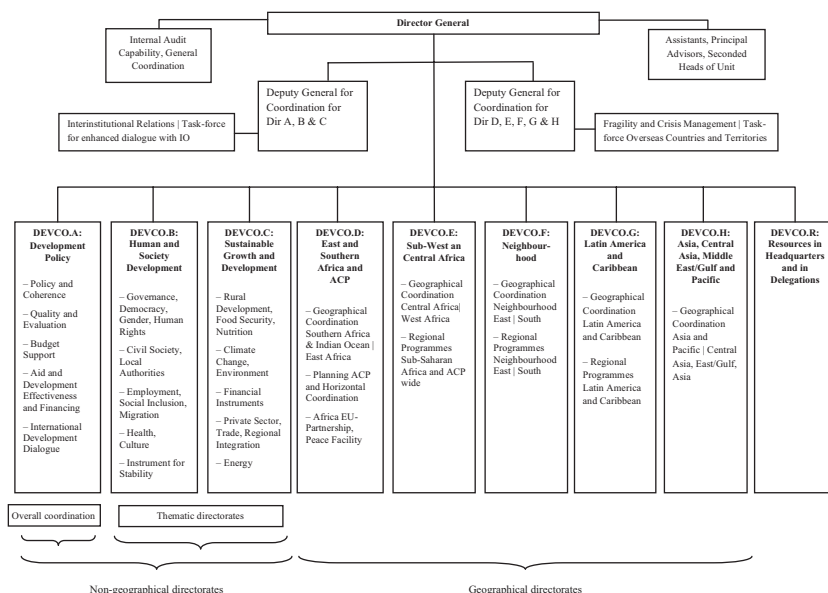
<sup>25</sup> European Commission, Secretariat-General, *Vademecum on working relations with the European External Action Service (EEAS)*, SEC(2011)1636, s. 2.2.1 (2011).

<sup>26</sup> Mission letters from President Barroso to the Commissioners designate Andris Piebalgs and Štefan Füle (27 Nov. 2009), and Kristalina Georgieva (27 Jan. 2010), [ec.europa.eu/commission\\_2010-2014/mission\\_letters/index\\_en.htm](http://ec.europa.eu/commission_2010-2014/mission_letters/index_en.htm).

<sup>27</sup> For details see the list of all the administrative entities transferred en bloc to the EEAS in the Annex of the EEAS Decision.

<sup>28</sup> Organization chart (Mar. 2013), [ec.europa.eu/europeaid/who/documents/organigramme-devco\\_en.pdf](http://ec.europa.eu/europeaid/who/documents/organigramme-devco_en.pdf).

Figure 2 The Administrative Structure of Direction General DEVCO



Source: [www.eeas.europa.eu/](http://www.eeas.europa.eu/) (April 2013)

The split within the Commission regarding developmental responsibilities into DG Dev (responsible for the ACP countries) and DG Relex (responsible for all ‘other countries’), therefore, is a thing of the past. Within DG DEVCO the Directorate A ‘EU Development Policy’ takes a leading role.<sup>29</sup> It formulates the general framework concerning the direction of the Directorate General, responsibilities range from budget support and policy coherence for development up to the effectiveness of aid and international development dialogue.

DG DEVCO has over 4,200 staff members, of whom about 1,300–1,500 employees work at DEVCO’s HQ in Brussels, plus the staff of approximately 3,000 employees in the EU Delegations. Although the DG DEVCO itself has

<sup>29</sup> Directorate General for Development and Cooperation – EuropeAid, *Main missions of DEVCO Directorates & Units*, Final (03 Aug. 2011), [ec.europa.eu/europeaid/who/about/documents/dg-devlpmt-coop-europeaid-mission-statements.pdf](http://ec.europa.eu/europeaid/who/about/documents/dg-devlpmt-coop-europeaid-mission-statements.pdf); Directorate General for Development and Co-operation – EuropeAid, *Management Plan 2012*, [ec.europa.eu/atwork/synthesis/amp/doc/devco\\_mp.pdf](http://ec.europa.eu/atwork/synthesis/amp/doc/devco_mp.pdf).

transferred country-related officials and departments to the EEAS, at the same time, however, it has gained a number of new competences (e.g., in regard of the DCI, which geographic programs were previously under the auspices of DG Relex). Initially, the transfer of the entire DG Relex to the EEAS was intended to avoid rivalry between the EEAS and the High Representative on the one side and a potential Commissioner for External Relations on the other side.<sup>30</sup> Nevertheless, the strengthening of the role of DG DEVCO has now created a new major player, and the Commissioner for Development, mandated by the President of the Commission, represents the Commission in the Foreign Affairs Council.<sup>31</sup> The Commission can be represented by another Commissioner should an agenda item pertain to his portfolio. He may also represent the Commission in informal Council meetings, such as the Gymnich meetings for example. In addition, the Commission has, at least for the time-being, due to the transfer of Commission officials to the EEAS, still a long arm reaching into the Service.

#### 4.3 THE PART OF THE EU DELEGATIONS

With the entry into force of the Lisbon Treaty on 1 December 2009, the existing Commission Delegations were officially transformed into roughly 140 EU Delegations. In the early 2000s reforms a decentralization of EU development had been taken place, devolving authority and people to the Commission delegations in order to increase the timeliness of EU support together with improved visibility and reputation amongst partners. The Commission delegations had been tasked with the responsibility for programme identification, programme preparation and financial and technical implementation. With the Lisbon reform the rather technical direction of work of the former Commission Delegations was extended by adding more political functions.<sup>32</sup>

The new EU Delegations now perform also the CFSP-related tasks of the rotating EU Presidency, such as the political dialogue. The Delegations are composed of EEAS staff (entrusted mainly with political and representative functions), of the Commission (assuming the implementation and evaluation of those measures that fall – as ‘development’ and ‘neighbourhood’ – in their area of expertise) and of associated personnel from the Member States. The Delegations are according to Article 221 TFEU placed under the authority of the High

<sup>30</sup> S. Vanhoonacker & N. Reslow, *The European External Action Service: Living Forwards by Understanding Backwards*, 15 European For. Affairs Rev. 1, 1–18, at 9 (2010).

<sup>31</sup> European Commission, Secretariat-General, *supra* n. 25, sec. 3.3.

<sup>32</sup> See E. Drieskens, *What's in a Name? Challenges to the Creation of EU Delegations*, 17 Hague J. Diplomacy 1, 51–64 (2012); *Principles and Practices of EU External Representation: Selected Legal Aspects* (S. Blockmans & R. A. Wessel eds., CLEER Working Papers 5, 2012).



Representative, however, the HR and the EEAS and the Commission – in areas such as ‘development’ and ‘neighbourhood’ (Article 5(3) EEAS Decision) – can issue direct instructions to the delegation. Basically, they should be channelled through the EEAS, but the multiplicity of authority to issue instructions leads to foreseeable difficulties. Ashton has explicitly pointed to this problem in her first EEAS report and has reaffirmed the principle that all delegation staff are in their everyday work subject to the head of delegation, who, if necessary, can remit certain matters to the head office in Brussels (e.g., in case of contradictory directions issued by the EEAS and the Commission).<sup>33</sup> The joint decision of March 2012 from EEAS and Commission to set up a cooperation mechanism concerning the management of Delegations was intended to improve their difficult relationship and to clarify lines of reporting and authority.<sup>34</sup> It not only confirms the status of the head of the delegation, but also established a joint steering committee of EEAS and DG DEVCO (EUDEL). The coordinating role of the EU Delegations is particularly crucial in external assistance and development aid. They not only take on a major role in the various stages of the planning and management cycle, but are also responsible for a close working relationship with the diplomatic and consular missions of the Member States – and therefore for the ‘Joint Programming’ of aid. They serve as focal points for the partner governments and function as ‘eyes and ears’<sup>35</sup> on the ground for the Brussels headquarters.

## 5 THE PROGRAMMING OF EXTERNAL ASSISTANCE AND DEVELOPMENT AID FOR THE YEARS TO COME

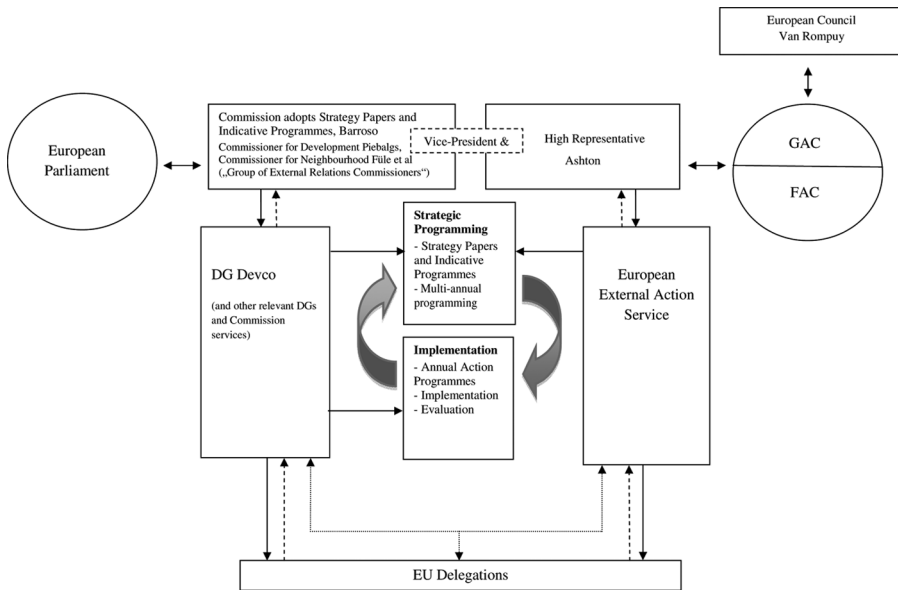
The postulated goal with the establishment of the EEAS is to streamline external assistance and development aid under the authority of the newly established diplomatic service, tying it strategically to a more coherent and efficient foreign policy. Accordingly, the distribution of tasks of the programming and management cycle were redistributed with the EEAS Decision and resulted in a rather complex arrangement set out in Article 9 of the EEAS Decision.

<sup>33</sup> European External Action Service, *Report by the High Representative to the European Parliament, the Council and the Commission*, sec. 18 (22 Dec. 2011).

<sup>34</sup> *Decision of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy on Cooperation Mechanisms Concerning the Management of Delegations of the European Union*, JOIN (2012) 8 final (28 Mar. 2012).

<sup>35</sup> M. Furness, *The Lisbon Treaty, the European External Action service and the Reshaping of EU Development Policy*, in *The European Union and Global Development: An ‘Enlightened Superpower’ in the Making?* 74–93 (S. Gänzle et al. eds., Houndmill 2012).

*Figure 3 Programming and Management Cycle of External Assistance and Development Aid for the Multiannual Financial Framework 2014–2020 (Excluding Member States)*



Before Lisbon the five-staged programming and implementing cycle of external assistance and development policy was fully executed by the Commission.<sup>36</sup> The first three stages of the programming cycle were dealt with either within DG Relex (DCI and ENPI) or DG Dev (EDF), according to the respective geographic responsibility. With the exception of the DCI thematic programmes that fall within the responsibility of the Development Commissioner,<sup>37</sup> the Commissioner for External Relations had the political responsibility. The implementation in the two subsequent stages was then executed by EuropeAid.

With the EEAS Decision responsibilities of the programming and management cycle were reshuffled.<sup>38</sup> Overall strategic and political coordination is from now on

<sup>36</sup> For more details on each of the five stages of the programming and management cycle of EU's external assistance instruments see M. Gavas & E. Koeb, *Setting up the European External Action Service: Building a Comprehensive Approach*, Overseas Development Institute (ODI) Background Note (London 2010). The five stages comprise accordingly: (1) strategically assessing the situation and identifying general response objectives in Country or Regional Strategy Papers; (2) deciding on the multiannual allocation of aid resources; (3) defining fields of EU activity through National and Regional Indicative Programmes (N/RIPs); (4) setting out Annual Action Programmes; (5) implementing by means of managing, contracting, monitoring and evaluating.

<sup>37</sup> Under the Multiannual financial framework 2007–2013 the thematic programmes comprise roughly 40% and the geographic programmes 60% of the funds provided by the DCI.

<sup>38</sup> Humanitarian Assistance, the Instrument for Pre-Accession (IPA) and financial assistance to non-European Overseas Countries and Territories (OCTs) are not covered by Art. 9 EEAS Decision. The programming and management is under the responsibility of DG ECHO, DG ELARG and DG DEVCO respectively.

supposed to be ensured by the High Representative and the EEAS, while the Commission is responsible for the subsequent implementation. Therefore the EEAS prepares, as stated in Article 9(3) EEAS Decision, the strategic, multiannual steps within the programming cycle and prepares the country allocations to determine the global financial envelope for each region, the country and regional strategic papers (C/RSPs) and the national and regional indicative programmes (N/RIPs). All proposals for decisions are prepared by following the Commission's procedures and are submitted to the Commission for adoption.

At first sight this approach seems to be straightforward. However, excluded from this division of labour – and this is crucial – is the overall strategic and political coordination of the portfolios 'development' and 'neighbourhood' as stated in Article 9 (4, 5) EEAS Decision: The three most important external assistance and development instruments DCI (the geographic programmes), EDF and ENPI remain 'under the responsibility' – and not, as originally drafted in Ashton's proposal 'under the guidance and supervision' – of the Commissioners for Development Policy respectively Neighbourhood Policy and shall be submitted jointly with the High Representative for adoption by the Commission.

Additionally, thematic programmes, other than the European Instrument for Democracy and Human Rights (EIDHR), the Instrument for Nuclear Safety Cooperation (INSC) and parts of the Instrument for Stability (IfS), are under the sole responsibility of the Commission and shall be prepared by the appropriate Commission service under the guidance of the Commissioner responsible for Development Policy and presented to the College of Commissioners in agreement with the High Representative and the other relevant Commissioners (Article 9(4) EEAS Decision).

These are the general specification of the EEAS Decision. Translating them into practice is obviously not an easy task: What does it mean when the proposals shall be 'prepared jointly' by the EEAS and the Commission 'under the responsibility' of the Commissioner responsible for Development Policy and shall be 'submitted jointly' with the High Representative for adoption by the Commission? Ashton and Piebalgs had, as noted earlier, announced to give an answer to these questions and to clarify the EEAS Decision by agreeing on a memorandum of understanding between the two institutions. Given the budget negotiations on external assistance and development aid for the Multiannual financial framework 2014–2020 the fine-tuning of the EEAS Decision came under considerable time pressure. The aid programming was supposed to start with the country allocations at the beginning of 2012, so that projects and programmes can be developed within 2013 and implementation can finally start in 2014.

*Table 1 Responsibility for Strategic Programming of EEAS and Commission of External Action Instruments Proposed for the Multiannual Financial Framework 2014–2020*

<i>Responsibility for Strategic Programming</i>	<i>Instrument, and Geographic or Thematic Scope</i>	<i>Total Amount (Current Prices)</i>	<i>Focus</i>
EEAS (in consultation with the Commission)	European Instrument for Democracy and Human Rights (EIDHR) – Global reach on human rights and promotion, democratization, elections monitoring	EUR 1,578 Mio.	Thematic
	Instrument for Stability, long-term measures (Article 4) (IFS) – Crisis-response, crisis-preparedness, conflict-prevention, security threats	EUR 2,829 Mio.	Thematic
	Instrument for Nuclear Safety Cooperation (INSC) – Global reach with priority for pre-accession and neighbouring countries	EUR 631 Mio.	Thematic
	Partnership Instrument (PI) – Global reach with focus on strategic and emerging countries	EUR 1,131 Mio.	Geographic
	European Neighbourhood Instrument (ENI) – Neighbourhood countries in Eastern Europe, South Caucasus and the South shore of the Mediterranean	EUR 18,182 Mio.	Geographic

<i>Responsibility for Strategic Programming</i>	<i>Instrument, and Geographic or Thematic Scope</i>	<i>Total Amount (Current Prices)</i>	<i>Focus</i>
Commission (IPA and Greenland, excluded from Article 9 EEAS Decision, unified programming cycle)	European Development Fund (EDF, outside EU Budget) – ACP-countries and the overseas territories of EU Member States  Development Cooperation Instrument (DCI) – Latin America, Asia and Central Asia, and the Gulf region and South Africa	EUR 34,276 Mio.   EUR 23,295 Mio. in total, including: EUR 13,991.5 Mio.	Geographic   Geographic
	– Thematic programmes (Global public goods and challenges; Civil society organizations and local authorities; Pan-African programme)	EUR 9,303.2 Mio.	Thematic
	Pre-accession Instrument (IPA) – Candidate Countries: Western Balkan countries, Iceland, Turkey	EUR 14,110 Mio.	Geographic
	Instrument for Greenland, not included in the Common Implementing Regulation	EUR 219 Mio.	Geographic

*Source:* own compilation. Amount of funds according to the proposal on external action instruments to implement the Multiannual financial framework 2014–2020 presented by the Commission on 29 June 2011. The amounts of the Commission's proposal were reduced by the European Council decision in February 2013. For the final breakdown please refer to official figures after their announcement.

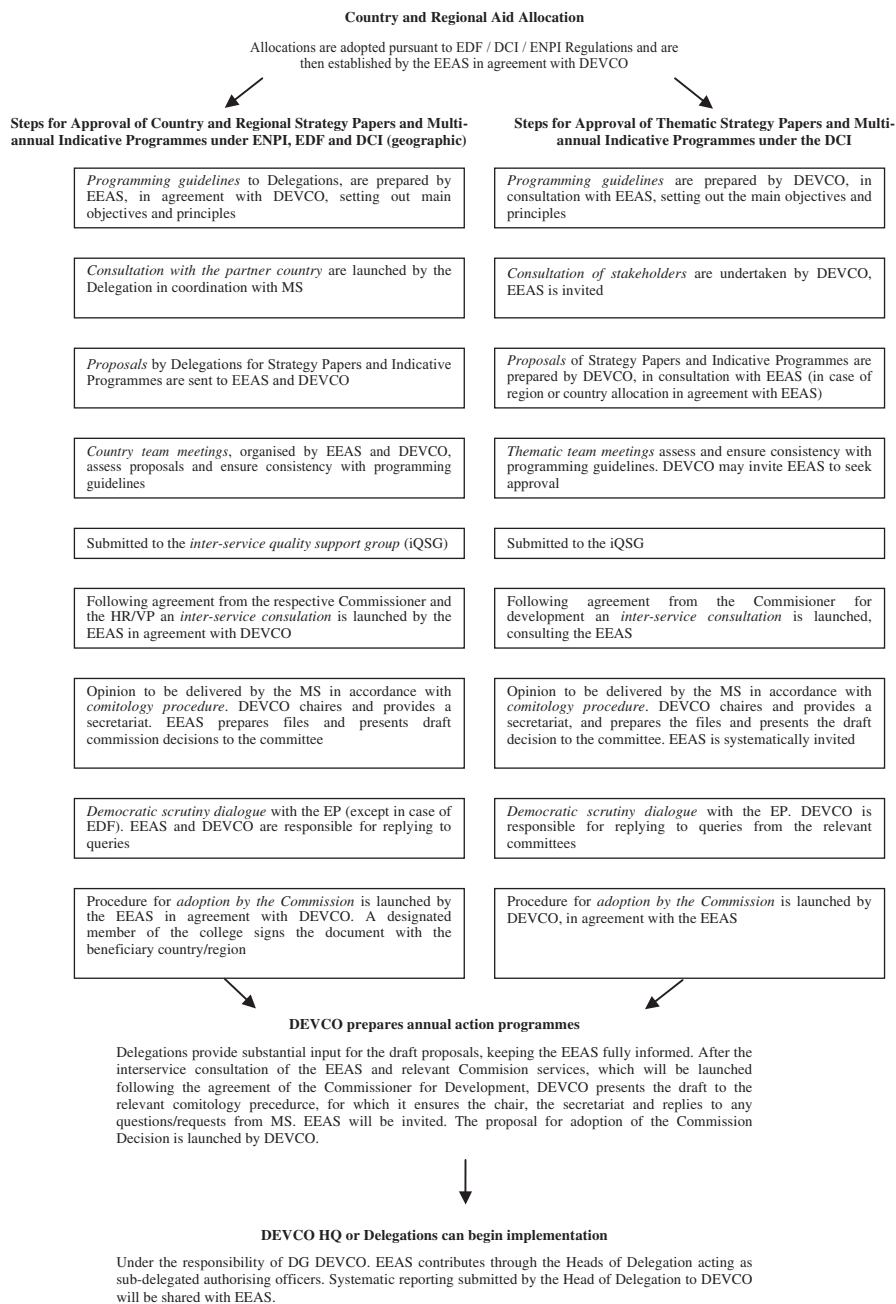
The Working Arrangements between Commission Services and the European External Action Service in relation to external relations issues were finally signed in January 2012, adding an additional layer of complexity to the already fragmented and heavy process.<sup>39</sup> Where the EEAS Decision calls for joint responsibility they specify the tasks for each of the approval stages of the programming and management cycle for EEAS and DG DEVCO. This especially applies for the proposals for EDF, ENPI, and the geographic programmes of DCI (thematic programmes are adopted by the Commission), where the task of preparing the decisions for the Commission is shared between the EEAS and DG DEVCO. Similarly to the pre-Lisbon programming and management cycle, based on the division of labour of DG Relex, DG Dev and the Commission delegations, the EU Delegations play an important part.

The programming arrangements for the Strategy Papers<sup>40</sup> and the Multi-annual Indicative Programmes for the instruments mentioned above read as below (see Figure 4 for more details of the approval steps): The EEAS prepares, in agreement with DG DEVCO, the guidelines from the Development Commissioner (or the respective Commissioner for Neighbourhood) to Delegations, setting out the main objectives and principles. On the basis of these the Delegations will launch a consultation process with the partner country in coordination with EU Member States before sending their proposals for Strategy Papers and Indicative Programmes to EEAS and DG DEVCO. The EEAS transmits them to relevant Commission DGs and services in view of a Country Team Meeting (CTM), organized jointly with DG DEVCO. CTM assess the Delegation's proposals and ensure consistency with programming guidelines before the Strategy papers and Indicative programmes are submitted to the Inter-service Quality Support Group (iQSG) and the Inter-service Consultations are launched. The Interservice Consultation will be launched by the EEAS in agreement with DG DEVCO following agreement for the respective Commissioners and the HR/VP in accordance with the normal Commission decision-making procedure and rules. DG DEVCO then provides the chair and secretariat for the comitology procedure, while the EEAS prepares the files in agreement with DG DEVCO and presents the draft Commission Decisions to the Committee and replies to any questions. In the subsequent democratic scrutiny dialogue, both EEAS and DG DEVCO will then be responsible for replying to

<sup>39</sup> *Working Arrangements between Commission Services and the European External Action Service (EEAS) in relation to external relations issues*, SEC(2012) 48 (10 Jan. 2012) (unpublished SEC-document).

<sup>40</sup> The EU discontinues the practice of developing Country Strategy Papers and programming can be simplified by replacing them with other existing strategy documents (such as Joint Framework Documents (JFD) or partner country's national strategy papers). See e.g. European Commission/High Representative, *Joint Communication to the European Parliament and the Council: Global Europe. A New Approach to Financing EU External Action*, COM(2011) 865 final (7 Dec. 2011).

*Figure 4 Programming Arrangements between Commission Services and the EEAS on EU Financial Assistance and Cooperation for the Multiannual financial framework*





queries from the European Parliament. After adoption by the Commission, that is launched by the EEAS in agreement with DG DEVCO, the designated member of the College will sign on behalf of the Commission the pertinent document with the beneficiary country/region, where required. After the adoption DG DEVCO begins with the preparation of the Annual Action Programmes. The implementation and evaluation is managed by the Commission.

Even this simplified description illustrates that with the replacement of DG Relex by the EEAS the cumbersome procedure was not, as initially intended, simplified. The EEAS, positioned outside the Commission, needs to be fully infixed into the Commission system in order to produce a satisfying result. Without strong internal cohesion this complex system bears several breaking points, involving risks of malfunctioning. For its functioning a constant workflow is required, in which the two services in close cooperation with the EU Delegations must work together as a quasi-organic unity – in principle a laudable ambition, but given the institutional history and the prevailing dispute accompanying their setting-up as shown earlier this remains at least questionable.

In light of this it will be challenging to actually implement the reform of the external action instruments for the Multiannual Framework 2014–2020 as initiated by the Commission. These impediments might turn out to be more critical than freezing the budget of Heading 4 ‘Global Europe’, although this implies a de facto resignation from the goal to provide 0.7% ODA by 2015. Even so the reforms of the external action instruments are less significant than in 2006, when the architecture of the external action instruments for the Multiannual Framework 2007–2013 was substantially altered,<sup>41</sup> there are a range of long-overdue innovations on their way that risk to be minimized. Among others these include in addition to a more differentiated approach a better impact assessment through better evaluation of the needs of the recipient country and its absorptive capacity.

## 6 IMPLICATIONS FOR THE FUTURE DIRECTION OF THE EU AS GLOBAL ACTOR

In her first address to the European Parliament, Catherine Ashton had designed a common, unified strategy as *raison d'être* of the EEAS. With the establishment of the EEAS change was supposed to be for the better. After two years of reorganization of European procedures and competences, a closer look at the strategic planning and programming of external assistance and development aid

<sup>41</sup> See S. Bartelt, *The Institutional Interplay Regarding the New Architecture for the EC's External Assistance*, 14 European L.J. 5, 655–679 (Sept. 2008).

reveals a less than satisfactory picture. Programming after Lisbon should have become more consistent and targeted. Instead of a streamlined and simplified procedure the current organization of the strategic aid programming between the EEAS and the Commission, at least so far, represents a fault-prone copy of the pre-Lisbon situation.

In fact, the EEAS can even as defined as *sui generis* actor only to a limited extent be regarded as a genuinely new actor. Many deficiencies can be explained with its forty-year history and by the fundamental shortcomings of European foreign policy in general.<sup>42</sup> However, even an incremental progress, as could be observed in the creation of the EEAS, affects the future direction of the EU's external relations. Thus, the fragmented arrangements before Lisbon are already reflected in the EEAS compromise of the 'quadrilogue' and in the subsequent fine-tuning of the EEAS Decision. This is particularly a consequence of the *en bloc* transfer of existing units of work to the EEAS as well as of the adaptation of the complex procedures of the programming of EDF, DCI and ENPI that duplicate the existing responsibilities of DG Relex, DG Dev and EuropeAid. Even when the portfolios 'development' and to a much lesser extent 'neighbourhood' remain under the responsibility of the Commissioners responsible – and therefore for the time-being out of reach of the more immediate political influence of the diplomatic service and whatever kind of comprehensive approach – two cleavages that existed already before Lisbon now become more apparent:

- Poverty reduction can be promoted more distinctly in the future. In recent years it has been repeatedly criticized that a high proportion of ODA funds is awarded to middle-income countries, rather than to the poorest countries. Some critics have argued that this obstructs poverty reduction. This line of reasoning so far has been visible within the Commission – between DG Relex and DG Dev – and becomes now even more evident with the relocation of DG Relex into the EEAS. In its institutional self-assertion against the EEAS, DG DEVCO as a fairly autonomous player on the global development agenda uses poverty reduction to sharpen its profile and thus simultaneously legitimizes its political mandate. This has become more visible with the *Agenda for Change* and is part of the current allocation of funds for the Multiannual financial framework 2014–2020. Reform steps were initiated with the differentiated development partnerships in order to ensure that the aid is channelled to the poorest countries or to the neediest part of the population in middle-income countries. For middle-income countries (among them the BRICS states)

<sup>42</sup> Vanhoonacker & Reslow, *supra* n. 30, at 9.

with the new Partnership Instrument other forms of cooperation are created.

- The nexus between security and development has also become more visible. This process has been accompanied with a widely feared ‘securitization’. It was feared that merging different policies under a single strategy would be executed at the expense of genuine development issues. Catherine Ashton had made it clear from the start that she would take the mandate of the Treaty seriously, and would also foster the links between development and European foreign policy. Within the development community meanwhile the rationale has taken place that the provision of security in third countries is a prerequisite for the success of development policies. In recent years, therefore, a number of intersections have emerged. This is illustrated, for example, by the strategy for the Horn of Africa<sup>43</sup> (November 2011) and in particular by the strategy for development and security in the Sahel region<sup>44</sup> (March 2011). Even though these strategies have been prepared jointly with the Commission, it is evident, however, that the topic security and development is discussed in a more political and more offensive way today and issues such as piracy, riots in the EU border regions and migration are more clearly linked with the EU’s own security.

It can therefore be assumed that the debates on the nexus between security and development will intensify and the fight against poverty will also receive stronger impetus with regard to the evaluation of the effectiveness and impact of development policy. A tectonic shift in the general orientation of the EU’s external relations, however, is not very likely, even though the setting-up of the EEAS resulted in an institutional distance between the former working areas of DG Relex and DG Dev and increased the risk of establishing two operating systems working in parallel.

While controversies due to the complexity of the programming and management cycle seem to be inevitable, the inter-service cooperation at the working level held no major surprises – neither in a positive nor negative way. Through the transfer of existing units of work, the officials are in their majority familiar with the Commission proceedings and their counterparts in the respective services. Due to the transfer of former DG Relex units to the EEAS this is particularly the case in the area of neighbourhood. Out of necessity Neighbourhood Commissioner Füle is obliged to work with ‘his’ former staff now located under the roof of the EEAS, a working relationship that is well-established by now. Development on the other hand is still deep-seated in the

<sup>43</sup> [register.consilium.europa.eu/pdf/en/11/st16/st16858.en11.pdf](http://register.consilium.europa.eu/pdf/en/11/st16/st16858.en11.pdf).

<sup>44</sup> [eeas.europa.eu/africa/docs/sahel\\_strategy\\_en.pdf](http://eeas.europa.eu/africa/docs/sahel_strategy_en.pdf).

Commission, where the working units and policy expertise under the authority of Commissioner Piebalgs are located. In both domains a certain inter-service fraternization is visible on the working levels, while the old disputes are still being conducted at the political level. Nonetheless, frictions are inevitable. This is not only the case at the juncture of strategic planning and implementation, a problematic link in itself. Problems do also arise where parallel units with a geographical focus show the tendency to compete with rather than to complement each other.

Far more problematic, however, is the situation in the EU Delegations, where duplications are more direct and tangible in everyday business. This is the case, for example, when loyalty conflicts arise regarding instructions and reporting requirements in the EEAS and the Commission. It is already clear today that this not only applies to the first stages of the strategic planning and programming until 2014, where the EEAS has – at least formally – taken the lead. The announced reforms of the external action instruments for the Multiannual framework 2014–2020 can only be implemented successfully if an intensive exchange of information and ideally staff, and close cooperation on all levels managed by staff in headquarters and in the field are actually put into practice. Without a dissolution of the systemic barriers impeding the organization of external assistance and development aid, the lower levels of work will hardly be able to meet the up-coming challenges.

## 7 CONCLUSIONS

In summary it can be said that the balancing act of the programming and management cycle between the Service and the Commission is of no discernible value in the area of external assistance and development aid when it comes to the synergy and impact hoped for. Even if the financial crisis seemingly shut the doors for strengthening cooperation in European foreign policy, the last word on the balancing of powers between the EEAS and the Commission is not yet spoken. In 2013 the review of the EEAS Decision will be launched, once again with the declared goal of achieving a comprehensive and integrated approach for all components of the EU's international profile. In order to achieve this, the Future of Europe Group, orchestrated by the German Foreign Minister Westerwelle, called for a relocation of central external action areas (such as neighbourhood) under the responsibility of the High Representative and the EEAS and claims a strengthening of her competencies in development cooperation.<sup>45</sup> Accordingly,

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<sup>45</sup> *Final Report of the Future of Europe Group of the Foreign Ministers of Austria, Belgium, Denmark, France, Italy, Germany, Luxembourg, the Netherlands, Poland, Portugal and Spain* (17 Sep. 2012); see also the

one can expect that the organization of external assistance and development aid remains to be an unsettled issue. The resulting fundamental institutional and political issues will continue to complicate the interaction at the working level between the EEAS, DG DEVCO and particularly the EU Delegations as a quasi-organic unity.

The European Commission succeeded in its self-assertion against the EEAS to act as a constant on the European stage. With its *Agenda for Change* and its impulses for an adaptation of the European Neighbourhood Policy, the Commission has set the political direction for the European external assistance and development aid instruments. On the Commission's initiative the EU – at least at the declaratory level – is about to open a revised chapter in the organization of its external assistance and development aid instruments for the years after 2013. The EEAS in turn will be keen on putting its own footprints on Joint Decisions and especially to play a more visible and offensive role when it comes to security issues as foreseen in the French proposals for the EEAS reform.

For the time-being, in the absence of a CFSP living up to its name Brussels foreign policy will henceforth primarily be executed by the European Commission, focussing mainly on its portfolios 'trade' and 'development' (respectively 'neighbourhood' in its extension). This trend is further strengthened by the withdrawal of EU Member States from European foreign policy that risk to be caught up in the crisis management of the euro crisis. Adding financial cuts due to fiscal austerity requirements of national aid budgets this means that the European Commission will have a certain leeway to actually carry out activities and conduct a common policy as stated in the Treaty.

This is, however, no reason to jump to conclusions: Whether there is a possibility after almost two years of organizational introspection to actually implement the overarching goal of poverty reduction does not solely depend on the inter-service harmony between the EEAS and the Commission. For poverty reduction not to remain just a particular objective of the EU, it will be crucial which weight development will be allowed in the entire canon of external action. Those areas from the perspective of policy coherence relevant to development – in particular trade, agriculture and fisheries, energy and climate or fiscal issues – are mainly out of reach of the diplomatic Service and have long been in the hands of the European Commission. Seen from this angle one has to note that the change to the better hoped for with the organizational harmony of EEAS and the Commission rapidly shrinks to its true extent.

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Non-Paper of 14 Member States (including Germany, without United Kingdom and France) on Strengthening the European External Action Service (1 Feb. 2013).